

Applicant: Mark and Michelle Chavez

Agent: Brasher & Lorenz Inc.

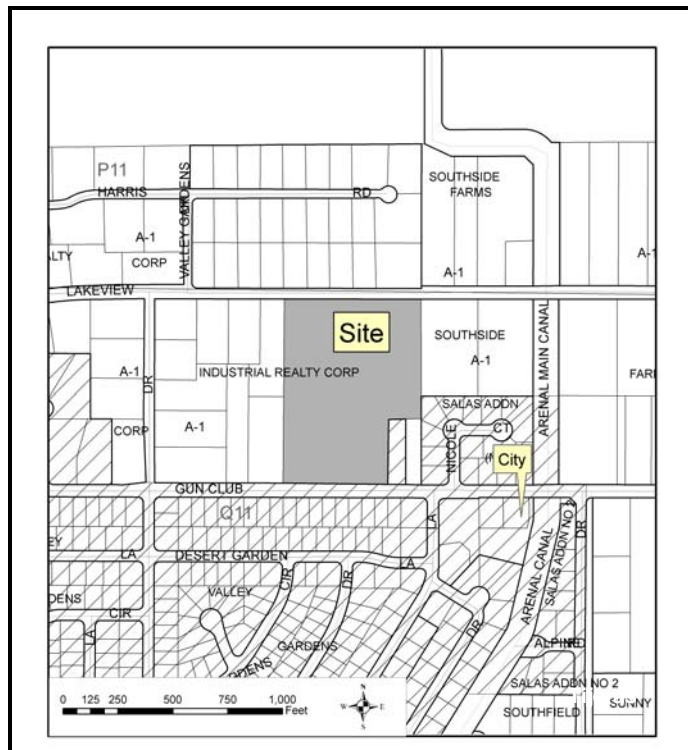
Location: Gunclub Road SW

Property Size: Approximately 11.19 acres

Existing Zone: A-1

Proposed Request: Preliminary Plat

Recommendation: Approval



Summary: This is a request for a preliminary plat approval for 7 lots located between Gun Club Road SW and Lakeview Road. The site is zoned A-1 and contains approximately 16 acres. The site is zoned A-1 and is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Two of the Southwest Area Plan.

Staff Planner: Enrico Gradi, Program Planner

Attachments:

1. Application
2. Land Use and Zoning Map
3. Letter from Office of the State Engineer
4. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from March 28, 2006 to April 10, 2006.

Agency comments were used verbatim in preparation of this report, and begin on page 10.

AGENDA ITEM NO.: 11
County Planning Commission
June 7, 2006

SC-50016 Brasher & Lorenz Inc., agent for Mark & Michelle Chavez, requests Preliminary Plat approval for seven lots to be called Ranchos de Chavez on Lot 26, Industrial Realty Corp. Addition, located between Gun Club Road SW and Lakeview Road SW, and between Valley Gardens Drive and Arenal Main Canal, zoned A-1, containing approximately 11.19 acres. (Q-11)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1	Vacant
North	R-1	Single Family Dwellings/Lakeview Road
South	R-1 City of Albuquerque	Single Family Dwellings
East	A-1	Single Family Dwellings
West	A-1	Single Family Dwellings

BACKGROUND:

The Request

This is a request for a preliminary plat approval for 7 lots located between Gun Club Road SW and Lakeview Road. The site is zoned A-1 and contains approximately 16 acres. Lot sizes for this request are approximately one acre.

The site is zoned A-1 and is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Two of the Southwest Area Plan.

Surrounding Land Use and Zoning Activity

Zoning and land use history in this area within the last twenty years includes six requests for lot size variances for this site, in order to allow the creation of six residential lots which did not meet the 150 foot lot width requirement for the A-1 zone. These requests were heard by the Zoning Administrator on July 8, 2003, at which time, the requested variances were not granted because the lots in question were not unique relative given the surrounding area (ZA 30072, ZA 30073, ZA 30074, ZA 30075, ZA 30076, and ZA 30077).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to “maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

Policy a states that Rural Areas shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density development can occur at appropriate locations with in rural villages or planned communities. Overall densities shall not exceed one dwelling unit per acre.

Higher density development must provide local government with property rights ensuring appropriate overall-area gross density.

Each higher density area is to be controlled by site development plan and is to located well away from other such higher density.

Policy 3.a. of the Rural Area Goal states “Development in the Rural Area shall allow higher density development to occur at appropriate locations. Rural Area density patterns shall be more specifically defined through lower rank planning. Each higher density area is to be controlled by site development plan and is to be located well away from other such higher density areas.”

Policy 3.b states that “Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate.”

Policy 3.c States that development shall be carefully controlled in flood plains and valley areas where flood danger, high water table, soils and air inversions inhibit extensive urbanization.

Policy g states that the following shall guide industrial and commercial development in the rural area:

Small-scale, local industries, which employ few people and may sell products on the same premises, are the most desirable industrial use.

Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural or residential areas.

Neighborhood and/or community-scale rather than regional scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.

Southwest Area Plan (SWAP)

The site is located in Residential Area Two of the Southwest Area Plan.

Policy 26 (e) allows a maximum residential density of one unit per net acre when city sewer services are available.

Policy 9 states, "protect the fragile landforms and air quality in the plan area, new development or major modifications roads and other public facilities shall adapt to existing natural environment, topography, soils, vegetation, geology, and hydrology.

- f. Prohibit excessive cuts and fills that scar the natural landscape and create unstable soil and erosion conditions.

Policy 19 states "all development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities."

Policy 25 states "The County and City stabilize residential zoning and land use in the plan area."

- g. Encourage stabilization of residential land use through subdivision design and scale.

Policy 30 states, "standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties."

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

- b. Encourage landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access.
- c. Limit the scale of industry to an appropriate compatible and sustainable level considering environmental factors such as soil conditions, water availability, air quality, noise and suitable geologic formations.

Bernalillo County Subdivision Ordinance

Sec. 74-31. Preliminary plat instructions.

- (a) *Preliminary plat required.* Preliminary plats shall be submitted for type-one, type-two, type-three, and type-four subdivisions. Certain type-three and all type-five subdivisions are subjected to review under the summary procedure set forth in article V of this chapter.
- (b) *Application / fees.* A subdivider shall prepare a preliminary plat and support documentation in accordance with the requirements provided in these regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the county and upon payment of the required administrative fee.
- (c) *Support documentation.* Prior to accepting the preliminary plat, the county shall require that the subdivider furnish documentation of:
 - (1) An approved sketch plat;
 - (2) Water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
 - (3) Water of an acceptable quality for human consumption and measures to protect the water supply from contamination;
 - (4) The means of liquid waste disposal for the subdivision;
 - (5) The means of solid waste disposal for the subdivision;
 - (6) Satisfactory roads to each parcel, including ingress and egress for emergency vehicles, and utility easements to each parcel;
 - (7) Terrain management (drainage report) to protect against flooding, inadequate drainage and erosion; and measures to protect steep slopes over 15 percent and ridge tops;
 - (8) Protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by article X of this Code; and

- (9) If property is in a designated wildfire hazard area, means of compliance with wildfire safety provisions of this chapter.

Additional information as deemed appropriate by the county upon prior notice to applicant.

- (d) *Neighborhood notification.* All applications for six or more lots shall be subject to the county neighborhood notification ordinance.
- (e) *Plat deemed complete (for review).* Within five days of receipt of the application, fees, preliminary plat, and support documentation, the county shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat shall be accepted for review upon acceptance of the application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be advised and the application will not be accepted for further review.

Sec. 74-32. Agency review.

- (a) *Plat transmittals.* Within ten days after the date that the preliminary plat is deemed complete, the county shall forward a copy of the preliminary plat and support documentation to the following state and local agencies by certified mail, "return receipt requested," with a request for review and opinions:
- (1) New Mexico State Engineer Office;
 - (2) New Mexico Environment Department;
 - (3) New Mexico Highway and Transportation Department;
 - (4) Soil and water conservation district in which the proposed subdivision is located; and
 - (5) Any other public agencies the county considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.
- (b) *Agency response.* The state and local agencies shall have 30 days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The county shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency.
- (c) *Hearing deadlines.* If the opinions received from all agencies are favorable, the county shall schedule a public hearing for consideration and action on the preliminary plat within 30 days following the receipt of such favorable opinion. If the county does not receive a requested opinion within the specified 30 days, it shall proceed with the required public hearing.

- (d) *Adverse opinion.* If any opinion from a public agency is adverse, the county shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the county within 30 days to respond to the agency's concerns. The county shall forward such additional information upon receipt, to the appropriate agency, which shall have 30 days from the receipt of the additional information to review and return a revised opinion. The county shall obtain receipts or other proof showing the date the additional information was received by each state or local agency. The applicant may contact any public agency directly to expedite the process.
- (e) *Revised opinion.* The county shall schedule a public hearing for consideration and action within 30 days after the receipt of a revised opinion from the appropriate agency. If the county does not receive a revised opinion within the specified 30 days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

Sec. 74-96. Existing Public Utility.

ANALYSIS:

Surrounding Land Use

This is a request for a preliminary plat approval for 7 lots located between Gun Club Road SW and Lakeview Road. The site is zoned A-1 and contains approximately 16 acres. The site is bounded by County A-1 zoning to the west and R-1 zoning to the north. The southern portion of the site is adjacent to the City of Albuquerque and the eastern boundary of the site fronts both City and County jurisdiction.

Albuquerque Bernalillo Comprehensive Plan

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to "maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns."

In addition, Policy a states that Rural Areas shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density development can occur at appropriate locations with in rural villages or planned communities. Overall densities shall not exceed one dwelling unit per acre. This request is consistent with these criteria.

Southwest Area Plan (SWAP)

The site is located in Residential Area Two of the Southwest Area Plan, which allows a maximum residential density of one dwelling unit per net acre when city sewer services are available.

Agency Comments

Bernalillo County Office of Environmental Health (BCOEH) states that municipal water and sewer appears to be available to this site and connection for any future development should be coordinated with the City Public Works Department.

In addition, the Bernalillo County Public Works Division states that a Grading and Drainage plan has been submitted for this request.

Conclusion

In accordance with the Bernalillo County Subdivision Ordinance, the applicant's proposal has been disseminated to the appropriate agencies and all agencies have had 30 days to comment on this request. All agency opinions, which the County has received, have been positive, therefore satisfying the requirements of the Bernalillo County Subdivision Ordinance. Also, this request meets the lot size requirements of the Southwest Area Plan.

RECOMMENDATION:

Approval of SC-50016 based of the following Findings and Conditions.

Enrico Gradi
Program Planner

FINDINGS:

1. This request is for preliminary plat approval for seven lots to be called Ranchos de Chavez on Lot 26, Industrial Realty Corp. Addition, located between Gun Club Road SW and Lakeview Road SW, and between Valley Gardens Drive and Arenal Main Canal, zoned A-1, containing approximately 11.19 acres.
2. On October 27, 2005, the County Development Review Authority deemed this submittal complete for preliminary plat.
3. This request falls within the Rural Area, as designated by the Albuquerque/Bernalillo County Comprehensive Plan, which allows up one dwelling unit per acre.
4. This request is consistent with the residential densities portion of the Southwest Area Plan, which allows one dwelling unit per acre in this area of the South Valley.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.
6. The Office of the State Engineer have no adverse comments to the Preliminary Plat.

CONDITIONS:

1. Applicant shall provide Bernalillo County Public Works Division with documentation that the City of Albuquerque will provide access to Lots E, F and G.
2. Applicant shall provide BCPWD with documentation that Bernalillo County Parks and Recreation Department will not require additional ROW for additional bikeway facilities and also provide the documentation that shows the ROW widths for both Gun Club and Lakeview.
3. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

Applicant provided an updated and acceptable disclosure statement and current water and sewer availability statement. No adverse comment.

Zoning Department Manager:

Plat is acceptable for final.

Building Department Manager:

N/A

Fire:

Approval and/or occupancy pending approved water supplies for fire protection.

Fire hydrants are generally installed according to spacing criteria that varies according to proposed land use. HYDRANTS SHALL MEET THE REQUIREMENTS OF THE BERNALILLO COUNTY'S FIRE PREVENTION BUREAU PRIOR TO CONSTRUCTION OF ANY OCCUPIED STRUCTURE.

Public Works:

Water Resources:

Current water availability statement has been provided and is acceptable. Terms and conditions of the statement must be met during development. No adverse comments.

DRAN:

1.A grading and drainage plan Case # PWDN 30064 has been approved for these lots. No adverse comment.

DRE:

1. The subdivider is responsible for improvements to all included roadways and shall bear the cost of such improvements. In addition, if the impact of the development requires improvements to offsite roadways accessing the development and these improvements are determined to be necessary for Public Safety or for traffic operations, the developer shall bear the cost of such improvements. Such improvements may include but not be limited to improvements such as major drainage crossing structures, traffic lighting, street lighting, proper signage and resurfacing or reconstruction of the roadway. The included and adjoining roadways need to meet or be improved to meet minimum Bernalillo County access standards found in Ordinance 88-42. All required improvements must be constructed and accepted by BCPWD or financially guaranteed and a Subdivision Improvements Agreement (SIA) entered into with Bernalillo County prior to final plat sign-off by BCPWD.

COUNTY PLANNING COMMISSION

JUNE 7, 2006

SC-50016

2. The minimum design review fee for this platting action is \$250.00 and is required to be paid prior to final plat sign-off by BCPWD. The design review fee is based on a percentage of the cost of improvements and may be greater than this amount. Please arrange for an appointment to receive final sign off by BCPWD. Provide one (1) copy of the plat at the time of signing. Within two weeks of the official recording of this plat, provide two (2) copies of this officially recorded plat to BCPWD.
3. Gun Club Road is a City of Albuquerque (COA) maintained road adjacent to this site. Provide BCPWD with documentation that the COA will provide access to Lots E, F and G and modify the Disclosure Statement.
4. Lakeview Road is designated as a proposed bikeway route on the Long Range Bikeway System map. Provide BCPWD with documentation that Bernalillo County Parks and Rec will not require additional ROW for additional bikeway facilities and also provide the documentation that shows the ROW widths for both Gun Club and Lakeview.

Parks & Recreation:

No Comment

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No adverse comment

AMAFCA:

No adverse comment

City Public Works:

Transp. Planning:

Transp. Development:

Water Resources:

City Transit:

No adverse comment

ABCWUA Utility Development Section

No adverse comment

City Environmental Health:

No adverse comment

City Open Space:

COUNTY PLANNING COMMISSION

JUNE 7, 2006

SC-50016

No adverse comment

NM Department of Transportation:

No adverse comment

Albuquerque Public School:

SC 50016 Ranchos de Chavez Lots A through G is a proposed development consisting of 7 single-family residences located on Gun Club Rd SW. The proposed development will affect Navajo Elementary, Harrison Middle School, and Rio Grande High School. Navajo Elementary is currently exceeding capacity. Harrison will be nearing/exceeding capacity as approved residential subdivisions in the area continue to build out.

School	06-07 Projections	06-07 Prelim Cap	Space Available
Navajo ES	510	497	-13
Harrison MD	725	813	88
Rio Grande HS	1912	2200	288

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools. Provide new capacity (long term solution) Construct new schools or additions Add portables, Use of non-classroom spaces for temporary classrooms, Lease facilities Use other public facilities, Improve facility efficiency (short term solution), Schedule Changes Double sessions Multi-track year-round, Float teachers (flex schedule) Shift students to Schools with Capacity (short term solution), Boundary Adjustments / Busing Grade reconfiguration? Combination of above strategies. All planned additions to existing educational facilities are contingent upon taxpayer approval.

BK/ma 5/16/06

NEIGHBORHOOD ASSOCIATIONS:

South Valley Coalition of Neighborhoods

South Valley Alliance